

House File 375 - Introduced

HOUSE FILE 375

BY MURPHY

A BILL FOR

1 An Act providing labeling requirements for certain genetically
2 modified agricultural commodities and products, making
3 penalties applicable, providing penalties, and including
4 effective date provisions.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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DIVISION I

GENETICALLY MODIFIED AGRICULTURAL SEEDS

Section 1. Section 199.1, subsection 2, Code 2011, is amended to read as follows:

2. "*Agricultural seed*" means grass, forage, cereal, oil, fiber, and any other kind of crop seed commonly recognized within this state as agricultural seed, lawn seed, vegetable seed, or seed mixtures. ~~Agricultural seed~~ "*Agricultural seed*" includes such seed regardless of whether it has been genetically modified. "*Agricultural seed*" may include any additional seed the secretary designates by ~~rules~~ rule.

Sec. 2. Section 199.1, Code 2011, is amended by adding the following new subsection:

NEW SUBSECTION. 6A. "*Genetically modified*" means to alter the genetic characteristics of a plant by modifying the deoxyribonucleic acid of the plant's seed in a manner other than by breeding or pollination.

Sec. 3. NEW SECTION. 199.7A **Agricultural seed offer — disclosure.**

A person required to label a container of agricultural seed pursuant to section 199.3 shall not sell genetically modified agricultural seed in a container, unless the person segregates the per-container costs associated with making the genetic modifications and the per-container costs of the agricultural seed had it not been genetically modified. The segregated costs shall be made available to a person who may purchase the genetically modified agricultural seed prior to the purchase. The person required to label the container may provide the segregated costs in a printed format or on their internet website.

DIVISION II

GENETICALLY MODIFIED MILK
AND DAIRY PRODUCTS

Sec. 4. NEW SECTION. 191.9A **Synthetic bovine growth hormone — penalty.**

1 1. As used in this section, unless the context otherwise
2 requires:

3 a. "*Dairy product*" means a milk product or any product in
4 which milk is a principal ingredient at any temperature and in
5 either a manufactured or unmanufactured state. "*Dairy product*"
6 includes but is not limited to butter, condensed milk, cheese,
7 cream, cottage cheese, ricotta cheese, sour cream, yogurt, or
8 ice cream.

9 b. "*Milk*" means any milk that is regulated by the department
10 under chapter 192, including as provided in the Grade "A"
11 Pasteurized Milk Ordinance, as provided in section 192.102.

12 c. "*Synthetic bovine growth hormone*" means a genetically
13 engineered protein derived from bovine somatotropin and
14 referred to as recombinant bovine somatotropin or recombinant
15 bovine growth hormone.

16 2. This section applies to milk originating from a dairy
17 herd in this state if the milk is sold in this state on a retail
18 basis, or to a dairy product that is derived from such milk,
19 if the dairy product is manufactured in this state and sold in
20 this state on a retail basis. The milk or dairy product must be
21 labeled as provided in this section. The label shall notify
22 the public of any of the following:

23 a. The milk is produced from a dairy herd that has been
24 administered with a synthetic bovine growth hormone or the
25 dairy product is derived from such milk.

26 b. The milk may have been produced from a dairy herd that
27 has been administered with a synthetic bovine growth hormone or
28 the dairy product is derived from such milk.

29 c. The milk has not been produced from a dairy herd that has
30 been administered with a synthetic bovine growth hormone or the
31 dairy product is derived from such milk. For labeling pursuant
32 to this paragraph, the department shall require the use of
33 affidavits from milk producers stating that the dairy herd was
34 not administered with synthetic bovine growth hormones.

35 3. The department shall develop label requirements by rule

1 for operators of milk plants required to be issued a permit
2 under chapter 192, food establishments or food processing
3 plants required to be issued a license pursuant to chapter
4 137F, and home food establishments required to be issued a
5 license pursuant to chapter 137D. The requirements shall
6 include provisions for a label indicating that milk or milk
7 used to produce a dairy product is "farmer-certified free" or
8 an equivalent statement.

9 4. This section applies notwithstanding section 189.11.

10 5. A person who knowingly sells milk or a dairy product in
11 violation of this section is subject to a civil penalty of not
12 more than one thousand dollars. Each day that the violation
13 continues constitutes a separate violation. Civil penalties
14 shall be assessed by the district court in an action initiated
15 by the department or attorney general. Civil penalties
16 collected under this section shall be deposited in the general
17 fund of the state.

18 6. In addition to the remedies provided in section 191.10,
19 an individual or private organization or association may bring
20 an action in district court to restrain a person from selling
21 milk or a dairy product in violation of this section. A
22 petitioner shall not be required to allege facts necessary to
23 show, or tending to show, a lack of adequate remedy at law, or
24 that irreparable damage or loss will result if the action is
25 brought at law or that unique or special circumstances exist.

26 7. A person may sell milk or a dairy product that is labeled
27 for retail sale in another state the label of which indicates
28 that the milk or dairy product is not produced from a dairy
29 herd being administered synthetic bovine growth hormone only
30 if the milk or dairy product is from a state identified by the
31 department as having laws comparable to this state's laws on
32 labeling milk or dairy products not produced with synthetic
33 bovine growth hormone and is labeled in compliance with the
34 laws of that state.

35 Sec. 5. RULES. The department of agriculture and land

1 stewardship shall adopt rules necessary in order to administer
2 this division of this Act.

3 Sec. 6. EFFECTIVE DATE. This division of this Act takes
4 effect January 1, 2012. However, the section of this division
5 of this Act requiring the department of agriculture and land
6 stewardship to adopt rules shall take effect upon enactment.

7 EXPLANATION

8 DIVISION I — GENETICALLY MODIFIED AGRICULTURAL SEEDS. This
9 division of this bill amends Code chapter 199, Iowa's seed law,
10 which generally provides for labeling requirements. The bill
11 amends the Code chapter's definition of "agricultural seed"
12 which includes grass, forage, cereal, oil, fiber, and any other
13 kind of crop seed, lawn seed, vegetable seed, or seed mixture.
14 The bill provides that "agricultural seed" includes any such
15 seed regardless of whether it has been genetically modified
16 (changing its genetic characteristics in a manner other than
17 breeding or pollination).

18 The bill provides that a person required to label a
19 container of agricultural seed cannot sell genetically modified
20 agricultural seed in a container, unless the person segregates
21 the per-container costs associated with making the genetic
22 modifications and the per-container costs of the agricultural
23 seed if it had not been genetically modified. The bill
24 provides that the labeler must provide the segregated costs in
25 a printed format or on their internet website.

26 Code section 199.13 provides that a person who violates
27 the provisions of the Code chapter is guilty of a simple
28 misdemeanor. A simple misdemeanor is punishable by confinement
29 for no more than 30 days or a fine of at least \$65 but not more
30 than \$625 or by both.

31 DIVISION II — GENETICALLY MODIFIED MILK AND DAIRY PRODUCTS.
32 This division of the bill amends Code chapter 191 which
33 regulates the labeling of foods in Iowa, including milk and
34 dairy products. The Code chapter is administered by the
35 department of agriculture and land stewardship.

1 The bill provides that milk and related dairy products must
2 be labeled to indicate whether the originating dairy herd
3 producing the milk was administered a synthetic bovine growth
4 hormone also referred to as recombinant bovine somatotropin
5 (rbST) or recombinant bovine growth hormone (rbGH). The bill
6 provides labeling requirements for the retail sale of milk
7 produced in this state or a dairy product manufactured in
8 this state which uses milk produced in this state. The label
9 must indicate whether the milk may have been, was, or was not
10 produced from a herd in this state which was administered with
11 a synthetic bovine growth hormone. A label stating that milk
12 was not produced from a herd administered with a synthetic
13 bovine growth hormone must be verified by the signed affidavit
14 of the producer. The department is required to develop label
15 requirements, including a label indicating that the milk or
16 dairy product is "farmer-certified rbGH free".

17 The bill provides that a person who knowingly sells milk or
18 a dairy product in violation of the bill is subject to a civil
19 penalty of not more than \$1,000 for each day of the violation.
20 Currently, the department may bring an action in district
21 court in order to restrain a person from selling milk or a
22 dairy product which violates state labeling laws (Code section
23 191.10). The bill provides the same right to an individual
24 or private organization or association. The bill includes a
25 reciprocity provision with other states that have provisions
26 similar to the bill.

27 Division II takes effect on January 1, 2012, except for the
28 provision authorizing the department of agriculture and land
29 stewardship to adopt rules, which takes effect upon enactment.